

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56694 of 2019

Arising Out of PS. Case No.-78 Year-2019 Thana- MANPUR District- Nalanda

=====

PINTU YADAV @ KISHORI KUMAR Son of Devendra Prasad Yadav
Resident of Village - Ishri, P.O.- Oraina, P.S.- Muffasil Nawada, District-
Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Nandu Kumar Yadav
For the Opposite Party/s : Mr.Ganesh Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Manpur P.S. Case No. 78/2019/G.R. No. 2384/2019 registered under Sections 363, 366A, 376 of the Indian Penal Code and Section 4 of the POCSO Act, pending in the court of learned 1st Additional Sessions Judge, Nalanda at Biharsharif.

Learned counsel for the petitioner submits that so far as this petitioner is concerned, he is in the service of Indian Army and it is a case of false implication of the petitioner inasmuch as it would appear from the statement of the victim girl recorded in paragraph '22' of the case



diary immediately after her recovery that she had not taken the name of this petitioner and it was her statement that she was allured by one Bugal Devi to marry the victim girl with one Chamu Yadav. She has alleged that said Chamu Yadav had allured her and taken her to his house but his parents did not allow him to stay there and thereafter the victim girl was taken to Nawada at the house of the father's sister of said Chamu Yadav.

Learned counsel submits that two days after her statement was recorded by police, she made a statement under Section 164 Cr.P.C. in which she has taken the name of this petitioner saying that when Chamu Yadav took her on his motorcycle, this petitioner was also sitting there on the motorcycle. Save and except this no allegation has been made against the petitioner.

Learned A.P.P. for the State has drawn attention of this court towards the statement made in Section 164 Cr.P.C., however accepts the factual position that in paragraph '22' of the case diary where the statement of the victim girl has been recorded by the Investigating Officer immediately after her recovery, the victim girl has not taken



the name of this petitioner.

In the given facts and circumstances of the case, considering that this petitioner has got no criminal antecedent and he is in service in Indian Army, his name has not transpired in the statement of the victim girl at the earliest opportunity after her recovery and even under 164 Cr.P.C. statement it has been alleged that he was present on the motorcycle but no allegation has been made against him in any other way, let the above-named petitioner, in the event of his arrest/surrender before the court below within a period of four weeks, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Nalanda at Biharsharif, in connection with Manpur P.S. Case No. 78 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly



or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

